

# Exhibit 1

**CATEGORICAL EXCLUSION RECORD OPERATIONAL WILDLIFE  
DAMAGE MANAGEMENT USDA APHIS WILDLIFE SERVICES**

**DATE:** February 16, 2023

**SUBJECT:** Feral Cattle Management in the Gila National Forest.

**WS INITIATING OFFICE:** New Mexico Wildlife Services State Office (WS-New Mexico)

**BRIEF DESCRIPTION OF PROPOSAL:** WS-New Mexico was requested by the U.S. Forest Service Gila National Forest field office (USFS) to assist with lethally removing feral cattle that are causing habitat damage in designated areas of the Gila National Forest.

**Background or Need for Action:** Unauthorized feral cattle have been causing habitat damage in the Gila National Forest since the 1970's. Having been born in the wild and never domesticated, they are extremely hard to catch and survive in the rough backcountry that is difficult to access. During previous operations in February 2022, Wildlife Services lethally removed 65 feral cattle in this area. None of these animals were tagged or branded or possessing any other indicator of ownership. An estimated 50 to 150 feral cattle remain in the project area. The remaining cattle continue to damage riparian areas through over-grazing, streambank erosion leading to water quality degradation, and damage to habitat for federally listed species including narrow-headed garter snake, Gila trout, loach minnow, spikedace, Mexican spotted owl, southwest willow flycatcher, and Mexican gray wolf. Cattle are not authorized to graze in the project area, and the presence of feral cattle within designated wilderness is not consistent with the 1964 Wilderness Act, Action 4(b). Also, members of the public hiking in the Gila Wilderness report being charged by feral bulls. These animals are a threat to public safety (USDA FS Decision Memo 2023).

**Proposed Action:** WS-New Mexico plans to conduct aerial shooting to lethally remove feral cattle within the Gila Wilderness using non-toxic (copper) bullets. Since the feral cattle are considered an invasive species, the goal of this project is to take as many of the feral cattle as feasible during the proposed timeframe.

**Aerial Shooting:** Aerial shooting from a helicopter will be conducted by trained and certified USDA-APHIS-WS crew members. This method is commonly used in predator damage management operations, primarily coyotes, and feral swine eradication operations in New Mexico and has been identified as an effective means to efficiently remove target animals. The WS program aircraft-use policy (APHIS-WS Directive 2.620 Aviation Safety and Operations) ensures that aerial shooting is conducted in a safe and environmentally sound manner, in accordance with applicable laws and regulations. Pilots and aircraft must be certified under established USDA-APHIS-WS program procedures and only properly trained employees are approved to shoot from aircraft. Further, WS employees involved in shooting operations would be fully trained in the proper and safe application of this method in accordance with APHIS-WS Directive 2.615 Firearms Use and Safety.

**Shooting:** WS personnel are trained and certified to use firearms to ensure operations are conducted safely (USDA 2019c). To ensure safe firearm use and awareness, WS employees will not use government or personal firearms in an official capacity until they have completed the NRA Basic Firearm Course pursuant to the firearms the employee will use on the job. Once an employee has completed all the applicable NRA Basic Firearm Courses (documented by the official NRA Certificates of Completion), annual firearms training will consist of any of the options listed in the continuing education section of the WS Firearms Manual (WS Directive 2.615). Further, the risk of a stray bullet inadvertently striking non-target wildlife, an individual, or pet is virtually eliminated by WS' precautionary measures such as positively identifying target animals before shooting, ensuring a

backstop should the bullet miss, using rifles that fire single projectiles per shot and using only specially trained personnel.

**Impact on Target Species:** Feral cattle are an invasive species that damage native habitats with their grazing behaviors. Between 50 and 150 feral cattle remain in the Gila Wilderness and will be removed via aerial shooting in attempt to eradicate them from the area.

**Impact on Nontarget Species:** WS believes that the proposed action will not cause any adverse effects or unintentional take of nontarget species. Shooting is virtually 100% selective for target species because WS personnel positively identify all targets before a shot is taken. WS-New Mexico had no unintentional take of nontarget species using firearms in fiscal year 22 and no nontarget species were taken during the previous February 2022 feral cattle removal operation in the Gila National Forest. Aircraft overflights have been shown to adversely affect some wildlife species (NPS 1995), however, in general, those affects have been shown to be very short term and minor (Kushlan 1979). WS spends very little time in one given location when conducting aerial shooting operations, therefore impacts are expected to be minimal.

**Impact on Threatened and Endangered Species:** The USFS is the lead agency and the requesting agency for the proposed action. WS agrees with and will rely on the USFS T&E species effects determinations for the proposed action outlined in the USFS Biological Assessment for the Gila National Forest Feral Cattle Removal Project, January 31, 2023, and corresponding USFWS Concurrence Letter, February 10, 2023. WS-New Mexico will also abide by conservation measures related to aerial operations that are outlined in the 2014 WS-New Mexico Biological Assessment and 2014 USFWS Concurrence Letter.

**Impact on Human Health and Safety:** The APHIS-WS Aviation Training and Operations Center (ATOC) located in Cedar City, Utah, mission is to improve aerial operations safety and provide training and guidance for APHIS-WS aviation personnel and aerial activities. The policy and primary focus of APHIS-WS and contract aviation personnel is ensuring the well-being through safety and accident prevention efforts. Pilots and aircraft must be certified under established APHIS-WS program procedures. Only properly trained APHIS-WS program employees are approved as crewmembers. Pilots and aircraft must be certified under established USDA-APHIS-WS program procedures. WS has completed Formal Risk Assessments for the Use of Aircraft in Wildlife Damage Management (WS 2019d) and for The Use of Firearms in Wildlife Damage Management (WS 2019c). Risks associated with aerial shooting operations are anticipated to be minimal. Communications with the public will be facilitated prior to all operations through the USFS Public Affairs Officer, and information will be posted at trailheads and on the USFS social media. Area closures will be implemented by the USFS to prohibit the public from entering the wilderness during the proposed project timeframe (USFS MRA 2023). The proposed action will reduce the number of feral cattle in the project area which will reduce the public safety risk that bold or aggressive feral cattle pose to people who recreate in the Gila National Forest.

**Impact on Historic, Cultural, Archeological, or Specially Managed Natural Resources or Wilderness Areas:** This action will not cause adverse impacts to cultural or historic resources defined by the National Historic Preservation Act of 1966, as amended. The USFS could conduct the aerial operations as allowed under State law, but they have elected to have WS assist with the control due to WS's extensive training and experience conducting aerial shooting operations. USFS concluded that the continued presence of feral cattle is detrimental to the wilderness character of the Gila Wilderness and greatly outweighs any short-term impacts to wilderness character resulting from the proposed action (USFS DM 2023). The proposed action will likely have a positive benefit to the Gila Wilderness Area ecosystem (USFS MRA 2023).

**Humaneness of the Proposed Action:** WS policy and operations comply with the guidelines of the American Veterinary Medical Association (AVMA 2020), which states “... euthanasia is the act of inducing humane death in an animal” and that “...that if an animal’s life is to be taken, it is done with the highest degree of respect, and with an emphasis on making the death as painless and distress free as possible”. AVMA (2020) recognizes that there is “an inherent lack of control over free-ranging wildlife, accepting that firearms may be the most appropriate approach to their euthanasia, and acknowledging that the quickest and most humane means of terminating the life of free-ranging wildlife in a given situation may not always meet all criteria established for euthanasia.” As described by the AVMA, there may be a distinction between clinical euthanasia and field practices for humane killing, but field practices are still considered an acceptable form of euthanasia. APHIS-WS policy and operating procedures fully comply with these guidelines, and APHIS-WS recognizes the importance of careful decision making in the field regarding all use of lethal methods (WS Directive 2.505 Lethal Control of Animals). The WS program aircraft-use policy (WS Directive 2.620 Aviation Safety and Operations) ensures that aerial shooting is conducted in a safe and environmentally sound manner, in accordance with applicable laws and regulations. Pilots and aircraft must be certified under established USDA-APHIS-WS program procedures and only properly trained employees are approved to shoot from aircraft.

**Potential for Effects on Other Environmental Resources (Vegetation, Soils, Water Air, Noise):** The proposed project does not cause major ground disturbance, any physical destruction or damage to property, any alterations of property, wildlife habitat or landscapes, nor involve the sale, lease, or transfer of ownership of any property. Aerial shooting will occur outside of summer months to ensure that cattle are not congregated near riparian areas to minimize potential impacts to the waterways from decomposing carcasses. Cattle would only be shot when away from water sources, trails, cultural sites, and all other locations identified by Gila National Forest staff. If a carcass is settled within or adjacent to a waterbody, trail or cultural site, U.S. Forest Service personnel will travel to the location on horseback and drag the carcass away using the mechanical assistance of a come-along, pulley, or other non-motorized device, thereby eliminating the risk of contaminating local water sources (USFS MRA 2023). All cattle will be left on site to naturally decompose. WS will use non-toxic (copper) bullets for this project, thereby eliminating the risk of lead exposure to scavengers and the environment in general. The proposed method does not have the potential to introduce long term visual, atmospheric, or audible elements to areas in which they are used resulting in effects on the character or use of properties.

**Compliance with APHIS NEPA Implementing Procedures:** This proposal is categorically excluded from further NEPA analysis and does not require the preparation of an environmental assessment or environmental impact statement. The analysis above indicates the proposed action will not adversely impact target or nontarget species including threatened and endangered species or critical habitat, or human health and safety. The proposed action would be conducted in accordance with applicable Federal, State, and local laws. This action does not have unknown or uncertain risks, or uncertain effects and the effects are not highly controversial. It does not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. There are no extraordinary circumstances anticipated which might result in a significant effect on the human environment even when considered along with other past, present and reasonably foreseeable future actions. Therefore, the proposed action is a “routine measure” and meets the criterion for categorical exclusion in APHIS NEPA Implementing Procedures at 7 CFR Part 372.5(c) (1) (I) which categorically exclude, “*Routine measures, such as... sampling that does not cause physical alteration of the environment, ...removals, (and) control, and monitoring... (This) may include the (lawful) use...of chemicals, pesticides, or other potentially hazardous or harmful substances, materials, and target-specific devices or remedies, provided that such use...: (A)... is localized or contained in areas where humans are not likely to be exposed, and is limited in terms of quantity...B) ...will not cause contaminants to enter water bodies, including wetlands;...C)... does not adversely affect any federally*

*protected species or critical habitat; and (D) ... does not cause bioaccumulation.*” This determination is based upon current environmental laws, regulations, and policies, and made in consultation with:

- U.S. Forest Service – Jeffrey Shearer, Natural Resources Staff Officer, January 2023
- U.S. Forest Service Minimum Requirements Analysis Framework Workbook, Gila Wilderness – Unbranded and Unauthorized Cattle Management, February 2023.

**Change in the scope of work, project schedule, location, or passage of new environmental regulations may trigger additional NEPA compliance requirements.**

**Project Dates: February 16, 2023 – March 15, 2023**

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USDA-APHIS-WS-NM  
Date: February 16, 2023

Approved by: **KEITH WEHNER**  
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